IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 26095 of 2003

Between:

K.Parvathi W/o. Peda Srishailam Yadav
R/o. H.No.8-3-229/D/1/15, (Mega city 135)
Sravanthi Nagar, Venkatagiri,Yousufguda, Hyderabad

..... PETITIONER

AND

1 Union of India through Ministry of Finance,
New Delhi rep by its Principal Secretary
2 Bank of India, Hyderabad Zone rep.by its Zonal Manager/Authorised officer,
PTI Buildings II Floor, A.C.Guards Khairatabad,Hyderabad-500004
3 Authorised officer/chief Manager, bank of India, secunderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order/direction more particularly one in the nature of writ of Mandamus declaring the impugned notice issued by the 2nd Respondent under reference dated 04-08-2003 and the provisions under section 13(2), 13(4) 17 and 37 of the securitisation and reconstruction of Financial Assets and Enforcement of Interest Act 2002 as illegal, arbitrary, capricious, violative of principles of rule of law and violative of Art.13 & 14 of the constitution of India and ultra vires and consequently to set aside the impugned notice and struck down the provisions of section 13(2), 13(4), 17 and 37 of the said Act and consequently set a side the possession notice dated 19-11-2003 issued by the 3rd respondent.

Counsel for the Petitioner:MR.P.GIRI KRISHNA

Counsel for respondent No.1: Mr A.Rajasekhar Reddy, SC for CG

Counsel for the Respondent No.2 & 3: MR.S.SURYA PRAKASA RAO

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

July 9, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 Principal Secretary, Union of India, Ministry of Finance,
New Delhi
2 Zonal Manager/Authorised officer,
Bank of India, Hyderabad Zone, PTI Buildings II Floor, A.C.Guards
Khairatabad,Hyderabad-500004
3 Authorised officer/chief Manager, Bank of India, Secunderabad.

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